IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3460 OF 2003

IN

CONTEMPT PETITION NO. 24 OF 2003

IN

M. J. SUUIT NO. 2907 OF 1999

Mrs. Florine w/o. Winston Lobo ..Petitioner

versus

Winston s/o. Victor Lobo

@ Shah Navaz Qadri ..Respondent

Mr. A. K. Tripathi with A. K. Moily for the petitioner.

None for the Respondent.

CORAM : D. G. DESHPANDE,J.

DATE : 26TH OCTOBER 2004.

P.C. :

1. Heard learned counsel for the Petitioner. An order is passed by this court on 1.8.2003 making Rule absolute and sentencing the respondent to simple imprisonment for three months and a fine of Rs.2,000/=. It was an order in the contempt petition. Counsel for the petitioner states that the warrant for the arrest of the respondent is not executed on the ground that the petitioner has not

deposited the subsistence allowance. That concept is wrong. When the respondent is sentenced to imprisonment in contempt petition, there is no question of the petitioner depositing the subsistence allowance. Therefore the order of arrest to be given effect to without insisting upon the petitioner to deposit subsistence allowance.

2. Notice of Motion disposed of.

3. All concerned parties to act on an ordinary copy of this order duly authenticated by the Court Associate.

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